

Submission under 37 C.F.R. §1.114
Application No. 10/528,834
Attorney Docket No. 071849

REMARKS

- (1) Claims 1-7 and 10-21 are pending in this application. Claims 14-17 have been withdrawn from further consideration. Claim 21 has been added in this Response.
- (2) Claims 1-7, 10-13 and 18-20 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in alternative, under 35 U.S.C. §103(a) as obvious Masuo et al. (U.S. Patent No. 6,365,313). Office Action dated January 22, 2009. In spite of the Applicant's Response filed on April 15, 2009, the Examiner maintains the 102(b) and 103(a) rejections. Advisory Action dated April 24, 2009.
- (3) The Examiner did not enter the the Declaration under 37 C.F.R. §1.132 filed on April 24, 2009. Advisory Action dated April 24, 2009. Applicant herewith files a Request for Continued Examination under 37 C.F.R. §1.114. Thus, the Applicant requests the Examiner to enter the Declaration under 37 C.F.R. §1.132 filed on April 15, 2009, as well as to reconsider the arguments presented in the Response therewith.
- (4) Masuo et al. do not disclose a master batch of a pigment and a charge control agent. As understood from the description of the specification of the present application, the master batch means a premix composition including a pigment and a charge control resin, which is then mixed

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with monomers to provide a polymerizable monomer composition. *See* Production Examples 1-3 at pages 51-54; and page 55, line 20 of the specification of the present application.

On the contrary, Masuo et al. disclose directly mixing a magenta pigment, a quaternary ammonium salt group-containing copolymer with monomers, at the same time, without forming a master batch. *See* col. 17, lines 55 to 63 of Masuo et al. In Masuo et al., a magenta pigment is mixed with the quaternary ammonium salt group-containing copolymer upon preparing the Polymerizable Monomer Composition. *See* col. 17, lines 42 to 63. Thus, Masuo et al. do not teach a master batch of a pigment and a controlling agent. Consequently, the dispersibility of the pigment is lower than that of the pigment in the invention of the present application. None of the references teach improving dispersibility by preparing a master batch of a pigment and a charge controlling agent.

As described in Production Examples 1 to 3 of the present invention, a master batch of a pigment and a charge controlling agent is prepared in advance, which is then used to prepare a polymerizable monomer composition. *See* pages 51 to 54 of the specification of the present application. For example, in Example 9 at page 82, lines 1-10, the master batch provided in Production Example 3 was mixed to obtain a polymerizable monomer composition. By preparing such a master batch, the pigment can be pulverized into small particles, resulting in an

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improvement of the dispersibility of the pigment. As a result, the absorbance of filtrate of the toner is improved. The process enables a satisfactory image.

Furthermore, in the specification of the present application, it is disclosed that the pigment can be changed to a salt thereof by adding potassium ethoxide, *i.e.*, a base, when the master batch of the pigment is prepared. *See* page 35, line 24 to page 36, line 6 of the specification. Actually, in the Examples of the present application, a base is used. *See* page 53, line 20. By doing so, compatibility between a pigment and a charge control resin is enhanced, and therefore, the absorbance of filtrate of the toner is improved.

In the claimed invention, the dispersibility of the pigment is improved, which accomplishes the claimed property that “the absorbance at the maximum absorption is 0.15 or higher.”

(ii) The Examiner states that Applicant has failed to show evidence that the toner of Masuo et al. would not have the claimed properties (Pages 5 and 6 of the Office Action dated January 22, 2009).

The declaration under 37 CFR 1.132, filed on April 15, 2009, shows that the toner of Masuo et al. does not have the claimed properties. Example 1 in the Experimental Results

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corresponds to Example 9 in the specification. Example 2 in the Experimental Results corresponds to Example 1 disclosed in Masuo et al.

As shown in Table 1 in the Experimental Results of the Declaration, the absorbance of Example 2 (Masuo et al.) was 0.12, which does not meet the claimed requirement.

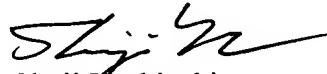
Please note that Masuo et al. disclose Examples 2 and 3, using a magenta pigment. Although the quaternary ammonium salt group-containing copolymers, that is, charge controlling agents, were different in view of the molecular weight, Applicant believes that the absorbance of Examples 2 and 3 of Masuo et al. will not be substantially different from the results of Example 1 of Masuo et al. Thus, in the Experiment, Applicant reproduced Example 1 of Masuo et al. (Example 2 in the Experimental Results in the Declaration).

(iii) Newly added claim 21 recites that “the toner was prepared by preparing a master batch of a premix composition obtained by mixing a pigment with a charge control resin, which is then mixed with monomers to provide a polymerizable monomer composition.” The process limitation in claim 21 distinguishes the resultant product from Masuo et al. As the Declaration shows, the absorbance of Example 2 (Masuo et al.), 0.12, does not meet the claimed requirement. Thus, the process limitation in claim 21 should be considered.

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(iv) In view of above, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Shuji Yoshizaki

Patent Agent

Registration No. 62,785

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

SY/mt